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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,730	02/25/2004	Peggy Hasan	LUTZ 2 00271	2741
7590	11/22/2005			
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518			EXAMINER SING, SIMON P	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,730

Applicant(s)

HASAN ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 8, 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim US 2002/0006782.

1.1 Regarding claim 1, Kim discloses a method of notifying a caller of a voice message confirmation in a wireless communications network voicemail system (para. 13 and 14). Kim teaches:

leaving a calling party to a called party voicemail message on the voicemail system (para. 35-38 and 40; NOTE: the "YES" and "NO" of decision block 310 in figure 3 are misplaced, they should be placed as: 310 - YES - 321, and 310 – NO – 320);

retrieving the voice mail message by the called party (para. 47-49); and

sending a voicemail retrieval notification acknowledgement message to the calling party indicating that the called party has retrieved the voicemail message (para. 50-53).

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1.2 Regarding claim 2, Kim teaches that voicemail retrieval notification acknowledgement message is a SMS (para. 44 and 51).

1.3 Regarding claim 8, Kim teaches associating calling party contact information with the voicemail message (para. 40; table 2).

1.4 Regarding claim 12, Kim discloses a method of notifying a caller of a voice message delivery confirmation in a wireless communications network voicemail system (para. 13 and 14). Kim teaches:

 sending a voicemail retrieval notification acknowledgement message to the calling party indicating that the called party has retrieved a voicemail message (para. 50-53).

1.5 Regarding claim 13, Kim discloses notifying a caller of a voice message confirmation in a wireless communications network voicemail system (para. 13 and 14) comprising:

 means (voicemail center 51 in figure 1) for sending a voicemail retrieval notification acknowledgement message to the calling party indicating that the called party has retrieved a voicemail message (para. 50-53).

1.6 Regarding claim 14, Kim's system further comprising:

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means (calling party device 10A) for leaving a calling party to a called party voicemail message on the voicemail system (para. 35-38 and 40); and

means (called party's device 10B) for retrieving the voice mail message by the called party (para. 47-49).

1.7 Regarding claim 16, Kim's system further comprising:

means (voicemail center 51) for sending a SMS to the calling party for voicemail retrieval notification acknowledgement (para. 44 and 51).

2. Claims 1, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. US 6,333,973.

2.1 Regarding claim 1, Smith discloses a method of retrieving a voicemail message and replying to the voicemail message in a wireless communications system in figure 1.

Smith teaches:

leaving a voice message by a calling party to a called party's voicemail system (column 4, lines 16-28);

retrieving the voice mail message by the called party (column 6, line 66 to column 7, line 1; column 9, lines 36-38); and

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sending a reply (voicemail retrieval notification acknowledgement message) to the calling party indicating that the called party has retrieved the voicemail message (column 9, lines 44-50).

2.2 Regarding claim 12, Smith discloses a method of retrieving a voicemail message and replying to the voicemail message in a wireless communications system in figure 1. Smith teaches:

sending a reply (voicemail retrieval notification acknowledgement message) to the calling party indicating that the called party has retrieved a voicemail message left by a calling party (column 4, lines 16-28, column 6, line 66 to column 7, line 1; column 9, lines 36-38, 44-50).

2.3 Regarding claim 13, Smith discloses a method of retrieving a voicemail message and replying to the voicemail message in a wireless communications system in figure 1, comprising:

means (network service provider 1200) for sending a reply (voicemail retrieval notification acknowledgement message) to the calling party indicating that the called party has retrieved a voicemail message left by a calling party (column 4, lines 16-28, column 6, line 66 to column 7, line 1; column 9, lines 36-38, 44-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US 2002/0006782 in view of Lindgren et al. US 2003/0109247.

Kim teaches sending either a text or voice message from a calling party to a called party. Kim further teaches sending a voicemail retrieval notification acknowledgement message in text form to the calling party, but fails to teach that the acknowledgement message is a voicemail message.

However, Lindgren teaches that a voicemail recipient of a voicemail message may record a replay (acknowledgement) message to be forwarded to the sender (para. 0003).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kim's reference with the teaching of Lindgren so that the acknowledgement message would have been a recorded voicemail message, which would have been forwarded to the calling party's terminal, or the calling party's voicemail if the calling party was not available, since Kim's reference was able to deliverer with text and voice messages, so sending the acknowledgement message as a voice message would have been a matter of design choice.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith US 6,333,973 in view of White et al. US 6,069,890.

Smith teaches sending a reply to the calling party (voicemail message sender), but fails to teach that the calling party requesting the reply, including prompting the calling party whether he/she requests a reply and if so, setting an indicator for sending the reply to the calling party.

However, White teaches that a voicemail system prompts a caller, who left a voice message for a called party, whether he/she requests a reply, and if so, an indicator is set and the called party is notified that a reply to the voice message is required (column 18, lines 33-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Smith's reference with the teaching of White so that the calling party would have been prompted to determine whether he/she requesting a replay, and if so an indicator would have been set for notifying a called party to send a reply, because such a modification would have enabled the calling party to request a confirmation of the reception of the voicemail message.

5. Claims 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US 2002/0006782 in view of Hammond US 6,854,007.

Kim teaches sending a retrieval confirmation message in text form (voicemail retrieval notification acknowledgement message) to the calling party from a called

party's terminal or the voicemail center 51 (para.0051), but fail to teach that the confirmation text includes the data and time when voicemail message was received and retrieved, and the telephone number of the called party.

However, Hammond discloses an electronic message (including voicemail message, see column 1, lines 13-16) tracking table in figure 2. Hammond teaches the tracking table includes a recipients' ID, date and time of sending and reviewing (retrieving, see column 1, lines 21-26) of an electronic message (column 5, lines 1-5, 27-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kim's reference with the teaching of Hammond so that the acknowledgement message would have been included date and time information of the voicemail message's recording and retrieving, and the telephone number of the called party, because enclosing the date and time information in the text message (acknowledgement message) would have been a matter of design choice since the voicemail message recording time was well know in the art, and called party's telephone number would have helped the calling party to identified which voicemail message was successfully delivered.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

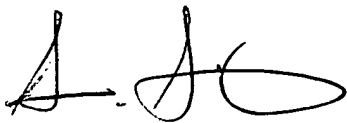
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a) US 6,522,879 (Myer et al) discloses a method for leaving a voicemail message for a user of a pager, and if the message is retrieved, the voicemail message sender is notified (figures 5B and 7; column 6, lines 53-67; column 7, lines 1-10, 29-42).

b) US 2003/0147512 (Abburi) discloses a method for delivering a voice message to a recipient and providing a delivery confirmation to the message sender (figure 1).


c) US 2004/0151284 (Adamczyk) discloses a method for providing an indication to a voicemail message originator that the voicemail message has been received by the recipient (figure s 3 and 4; para. 66, 67, 74 and 75).

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

11/09/2005



FAN TSANG
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